

AGENDA: April 13, 2004

5.2

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: Planned Community Permit, Heritage Tree Removal Permit and Tentative Map for 46 New Townhomes at 100 Ferguson Drive

RECOMMENDATION

1. Review the Initial Study/Environmental Assessment and approve the Mitigated Negative Declaration of environmental impact in accordance with the California Environmental Quality Act.
2. Adopt A RESOLUTION CONDITIONALLY APPROVING A PLANNED COMMUNITY PERMIT AND HERITAGE TREE REMOVAL PERMIT AT 100 FERGUSON DRIVE, to be read in title only, further reading waived.
3. Adopt A RESOLUTION CONDITIONALLY APPROVING A TENTATIVE MAP TO SUBDIVIDE AN EXISTING 2.02-ACRE SITE AT 100 FERGUSON DRIVE, to be read in title only, further reading waived.

FISCAL IMPACT

The applicant will pay the one-time below-market-rate (BMR) housing in-lieu fee of 3 percent of the sales price or appraised value for each of the 46 homes. For the proposed project's sales prices of \$550,000 to \$600,000 for each of the homes, the BMR in-lieu fee will total approximately \$759,000 to \$828,000. The applicant will also pay one-time development fees to the City such as building plan check and permit fees, the park land dedication fee, the park and recreation in-lieu fee, subdivision fees, etc. Additionally, the proposed project will provide revenue to the City on an annual basis through a revised property tax assessment.

BACKGROUND AND ANALYSIS

Whisman Station Precise Plan

In 1996, the City Council approved the 75-acre Whisman Station Precise Plan, one of the largest precise plan areas in the City, to provide a development framework for this transitional industrial area. In the Whisman Station Precise Plan, approximately 25 acres were designated to remain as industrial uses. The residential area of this Precise Plan envisioned what has today become an award-winning, comprehensive, transit-oriented neighborhood that accommodates for-sale, single-family small-lot and townhome (rowhome)

products; well-used public parks; and a centrally located light rail transit station. The Precise Plan also established the standards for the residential developments, including the location of different building types, public streets and parks, and pedestrian connections to ensure that the Precise Plan area will function as one community. Of particular note for the proposed project are the unique development standards for the rowhouse-type units. Labeled as "high-density townhomes" in the Whisman Station Precise Plan, these multi-family units function to provide the density needed to support public investment for the adjacent public transit line and facility. Out of the 35 precise plans in the City, four include development standards for multi-family ownership products at higher densities than regular R3-zoned properties, which include regular townhome developments. These four precise plans are San Antonio Station, Evelyn Avenue Corridor, Downtown and Whisman Station. These four precise plan areas are located immediately adjacent to public transit stations for regional rail lines and were adopted for the comprehensive development of transit-oriented neighborhoods, not merely for individual developments. The Whisman Station Precise Plan allows up to 25 units per acre for rowhomes as well as public and private common open space for the neighborhoods as a whole. The following table summarizes the differences between the Whisman Station Precise Plan standards for rowhouse units and regular R3-zoned townhome units for other areas of the City.

**COMPARISON OF WHISMAN STATION ROWHOMES
VERSUS REGULAR TOWNHOMES**

	Whisman Station Rowhomes	Regular Townhomes R3 Zones
Location	Adjacent to light rail station	Various throughout City
Size of Area	75 acres	Various (0.5–5.5 acres, generally)
Type of Area	Neighborhood with different development/developers combined	Individual parcels
Density	15–25 units per acre	12–14 units per acre
Floor Area Ratio	1.0:1	0.55:1
Open Space	50%	45%
Garage Locations	Must be at rear of units	No requirement; usually provided at front of units
Parking per Unit	2 spaces in a garage plus 0.5 guest spaces	2 spaces (one covered) plus 0.6 guest spaces
Public Common Open Space	2 large public parks	No requirement
Private Common Open Space	2 acres minimum (east side of tracks)	Appropriate to the size of the project
Active Recreation Areas	300 square feet per unit	Appropriate to the size of the project

Private Open Space for Each Unit	100 square feet minimum	At grade with a minimum dimension of 15'
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Source: City of Mountain View Zoning Code, June 2001, as amended.

For the Whisman Station Precise Plan area, the residential area west of the rail line (California Station) consists of 191 units (93 single-family small-lot homes, plus 98 rowhomes). The residential area east of the rail line (the proposed project side) consists of 314 units (120 single-family small-lot homes—called "Town Square"—plus 192 rowhomes—called "Whisman Park"). The last 20 of these 192 rowhomes will soon start construction.

In 1999, the Council approved the redesignation of four industrial acres to residential (rowhome) uses. Two acres are the old "antenna farm" site on the west side of the light rail tracks and two acres are on the east side of the tracks, which is the project site of this planning application (see Attachment 1 for location map).

Project Site

The project site consists of one vacant parcel totaling 2.02 acres located east and adjacent to the light rail line, just south of the existing General Dynamics campus (see Attachment 2 for site plan). The project site was previously part of the GTE campus as was most of the Whisman Station Precise Plan area. Adjacent uses include rowhome units to the south, industrial uses to the east and north, and the light rail line to the west.

Project Description

The proposed development includes 46 attached, three-level rowhomes arranged in two groups: (1) in a U-shape that connects the existing Campbell Court and Owens Court cul-de-sacs; and (2) in a double-loaded aisle forming a "T" extension of the existing Georgetown Court cul-de-sac. Kent Drive serves as the main vehicle access point to both building groups. Emergency vehicle access is provided through this same roadway, as well as at the end of Georgetown Court through the General Dynamics campus. The density calculates to 23 units per acre, which is within the Whisman Precise Plan and General Plan allowed range of 15 to 25 units per gross acre for this high-density, transit-oriented rowhome product.

The unit type is three bedrooms with two and one-half bathrooms, averaging 1,715 square feet (see Attachment 2 for floor plans). Each split-level unit has a first-level two-car enclosed garage; a second level with a living area, gas fireplace, kitchen, dining room and half bath; and a third level with the bedrooms and full bathrooms. Some units have a second-level family room also.

Project Design

The proposed townhomes mimic the same rhythm, architecture, detailing, color and materials as the existing townhomes, which include a cement plaster finish and concrete tile roofs (see Attachment 3 for elevations). The two-story front facade of each unit will be individually identifiable with a raised front porch and a solid front entry door, plus sliding glass doors to the porch sitting area and an iron porch railing. The second floor has two double-hung windows flanked by two higher privacy windows and topped with a gable roof to break up the roof massing. Each front façade is accessed by common pedestrian walkways through common landscaped open areas. A small private landscaped yard area in the front of each unit will be fully landscaped with lawn, ornamental shrubs and low iron fencing and gates.

The three-story rear facade of each unit consists of two-car garage doors, second-floor sliding glass doors and mini balconies, and third floor with double-hung windows flanked by two higher privacy windows and topped with a gable roof to break up the roof massing. The rear alleyways serve as the vehicular access to each unit and are dotted with landscape tree wells between the garages. These alleyways carry the private street names and address for each unit.

The proposed project meets all the development standards in the Precise Plan for high-density townhomes in this transit-oriented neighborhood, such as: (1) floor area ratio (1.0:1 maximum allowed and 0.9:1 proposed); (2) height limits; (3) setbacks; (4) garage location (must be at the rear of the units); and (5) parking (2 garage spaces per unit plus 0.5 guest parking spaces).

The existing and proposed townhomes will look and function as one development (see Attachment 4 for photos of existing townhomes). Although the proposed project will have its own homeowners association, it will still be a part of the Whisman Station Homeowners Association, which is the master homeowners association for this side of the light rail tracks.

Recreation Areas

The Whisman Station Precise Plan, Section IV.C.11.c (Page 13), requires that "For each Planned Community Permit (PCP) approved after the initial approvals (granted in 1996), there shall be at least one common open space for active recreation. The aggregate size of the common space shall be based on the following formula: 0.007 acre/unit, or approximately 300 square feet per unit. The common open space shall count toward the required private open space." This active recreation requirement was added to the Precise Plan as part of the 1999 redesignation of the project site for a residential use. Although the proposed project provides the required private open space and common open space, it does not provide the

required "active" recreation area. As part of the project review process, the applicant had not yet decided whether to provide the required active recreation area on the project site or to expand the existing active recreation facilities. Staff believes that augmenting the existing active recreation area(s) is a viable option that would have benefits for both the existing and new residents. Additionally, the Whisman Station Homeowners Association, which will become the master homeowners association for the proposed 46 units, is willing to allow an expansion of the existing facilities. Staff is open to either providing the active recreation area on the project site or at the existing active recreation area. To ensure compliance with the requirement for the active recreation area and to allow flexibility in the location and detailing of such facilities, staff has provided Condition No. 7 (Attachment 6) which sets forth the requirement and approval process for the required active recreation area. The final approval of the required active recreation area would rest with the Community Development Director, after conceptual agreement between the applicant and the Whisman Station Homeowners Association is reached.

Heritage Trees

The applicant is requesting a Heritage Tree Removal Permit for 26 of the existing 28 Heritage trees on the project site. A tree evaluation was submitted by the applicant, which concluded that the rows of 13 Heritage cottonwoods (Tree Nos. 260-266 and 295-300) all have weak, multiple attachments, some topped with heavy sprouts and some with codominant trunks and should be removed with or without the proposed development. The one Heritage weeping willow (Tree No. 269) has a flat-topped crown with evidence of dieback (dying from the top down) and is in poor shape and should also be removed. The remaining 12 Heritage coast redwoods (Tree Nos. 278-283, 286-290 and 294) are young trees (9" to 21" in diameter), some thin, some broken branches, some crowded by the other trees, in good to moderate condition, but should be removed due to the impact of the proposed development and the low survival expectancy with relocation (see Attachment 5 for Heritage tree removal plan). The City arborist concurs with the tree evaluation and recommendations.

Each coast redwood tree has a memorial plaque at its base commemorating the life of a previous GTE employee. These plaques will be removed and given to GTE for appropriate relocation (see Attachment 6 for Planned Community Permit/Heritage Tree Removal Permit resolution and recommended conditions of approval, Condition No. 11).

The applicant will be replacing these 26 Heritage trees with 80 new trees (a ratio of 3:1) that will be 24" box and 15-gallon in size. The City only requires a replacement ratio of 2:1. The new trees will be strategically placed along the perimeter of the project site in front of those units facing the light rail station and tracks and those units facing the General Dynamics campus. Trees will also be placed in wells separating the individual garages along the alleys and at key corners for a landscape accent.

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Housing Impacts

The proposed project will provide 46 new, market-rate, residential units for the City of Mountain View. The applicant will be required to comply with the City's Below-Market-Rate Housing Ordinance. Because the proposed development is considered a "for-sale" project, the applicant has the option to pay the in-lieu fee of 3 percent of the actual sales price or the appraised value of the unit. Such fee is due upon the close of escrow. As noted above, the sales price of each unit is expected to be between \$550,000 and \$600,000, which would yield a BMR in-lieu fee of approximately \$759,000 to \$828,000.

Subdivision Design

On March 9, 2004, the Subdivision Committee reviewed the proposal for a tentative map to subdivide the project site. In reviewing the tentative map, the Committee found the project to be consistent with the requirements of the Subdivision Map Act and the General Plan. The proposed project is of good-quality design and meets all standards for street design and site configuration. The conditions of approval recommended by the Subdivision Committee are standard items, including payment of appropriate fees and identification of all easements (see Attachment 7 for tentative map resolution, recommended conditions of approval and map).

Environmental Documentation

The proposed project is also subject to the California Environmental Quality Act (CEQA) and, as such, an Initial Study/Environmental Assessment analysis was prepared to determine potential environmental impacts and their respective levels of significance. The analysis concluded that, although the proposed project would result in some significant environmental impacts, the proposed mitigation measures would reduce those impacts to levels of insignificance (see Attachment 8 for the Initial Study/Environmental Assessment and Mitigated Negative Declaration). The document's required 30-day public review period ended on March 29. Staff received no comments on the document.

Existing Residential Area

Of particular environmental note is that the project site was once part of the larger GTE campus. This area of the City was originally used for agricultural uses and in 1952 the GTE campus was developed for GTE's design and assembling of electronic and communication equipment. In 1988, GTE began investigation of soil and groundwater underlying the campus under an agreement with the United States Environmental Protection Agency (EPA). Since 1988, soil pesticides have been detected, identified, excavated and removed from the site.

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Groundwater (which is not used for drinking water) contaminants have also been identified—trichloroethylene (TCE), cis-1,2-dichloroethene (cis-1,2 DCE) and chloroethene. TCE is a colorless liquid that is used to clean metal parts but is also found as an ingredient in adhesives, paint removers, typewriter correction fluids and spot removers. Cis-1,2 DCE is a colorless liquid that is found in solvents and other chemical mixtures. Chloroethene is a colorless gas used to make polyvinyl chloride (PVC) but can also result as TCE breaks down in the environment. All three chemicals usually vaporize once exposed to the air. Groundwater remediation of these chemicals has included installation and operation of a groundwater pump and treatment system to control these chemicals, to inhibit groundwater migration and to remove contaminated water. To date, GTE has extracted and treated over 165 million gallons of groundwater. This groundwater treatment will be an ongoing process for many years to come.

Since 1998, the EPA and GTE have also been investigating vapor in the above-mentioned areas. In 2000, the EPA and GTE tested the indoor air quality in seven homes at the existing Whisman Park townhomes and the Town Square single-family homes which overlay areas where the highest concentrations of TCE, cis-1,2 DCE and chloroethene have previously been detected (near the Whisman Park and Town Square border). With continued testing between 2000 and 2002, it was determined that one residential unit had indoor air levels of TCE that were above the EPA's range of acceptability (safety) for TCE (the other six homes had TCE, cis-1,2 DCE and chloroethene levels within or below this range). In response to this single identification, a subslab depressurization system was installed at the subject residence to vent the gas from under the house. The EPA and GTE are continuing to monitor and test groundwater, soil vapor and air quality in the area. Thus far, the EPA has determined that no short-term or acute risk exists for residents of the Whisman Station community.

Project Site

The EPA and GTE have also performed soil, groundwater and vapor tests at the project site over the past few years which resulted in negligible levels of TCE, cis-1,2 DCE and chloroethene. Recent testing by Lowney and Associates (incorporated into the Initial Study/Environmental Assessment) confirmed the previous negligible results. Additionally, the construction at the project site includes the addition of about 3' of fill, pavement material, sidewalks and concrete building slabs as unit foundations and the first floor of each unit will consist of garage and storage areas. Each of these construction components further limits the potential for vapors to impact unit living areas.

The EPA concurs with the methodology, analysis and conclusions of the Initial Study/Environmental Assessment. However, staff recommends the installation of subslab, commercial-grade vapor barriers under each unit to further ensure acceptable levels of indoor air (see Attachment 6, Condition No. 36). Disclosure prior to purchasing a unit has

also been made a requirement of the project approval (see Attachment 6, Condition Nos. 44 and 45).

Although construction activities are not expected to reach the existing groundwater levels of 20' to 40' below the surface, mitigation measures are recommended that would provide a site health and safety plan for construction workers that would identify the location of the existing monitoring and treatment wells and the handling of any contaminated materials found during construction (see Attachment 6, Condition Nos. 31 and 33).

PUBLIC MEETINGS AND HEARINGS

The Development Review Committee (DRC) held two informal design meetings and two formal design meetings on the proposed project. The DRC found the project to be in compliance with the Whisman Station Precise Plan and noted that the project was well designed and complemented the existing and mix of residences in the surrounding neighborhoods.

On March 10, 2004, the Zoning Administrator held a public hearing on the project. Two persons (representatives from the Whisman Station Homeowners Association) spoke at the meeting regarding: (1) the potential for traffic congestion during an emergency at the intersection of Kent Drive and Jacaranda Drive with the addition of the proposed townhomes; (2) the existing limited egress/ingress at the intersection of Whisman Park Drive and Ferguson Drive; and (3) the lack of increased active recreational amenities for the existing recreation area.

The Zoning Administrator indicated that the Kent Drive/Jacaranda Drive intersection was not identified in the environmental document as potentially impacted by the new townhomes and that only half of the new townhomes (24 of the 46 new townhomes) would use this intersection. In addition, the intersection has been evaluated by the Fire Department, the Police Department and the City Traffic Engineer and has been deemed to be adequate for emergency service access. However, one alternative for consideration is the elimination of the two existing guest parking spaces at this intersection to further widen the area for emergency vehicles. The Precise Plan allows for development standard flexibility (such as parking requirements) to accommodate specific design needs.

The Zoning Administrator also indicated that the Whisman Station Drive/Ferguson Drive intersection has been an ongoing discussion since the first Whisman Station homes were built, which discussion is a broad, Precise Plan issue that the City Traffic Engineer will continue to work on with the Whisman Station Homeowners Association and future residential developers. The City Traffic Engineer indicated to staff that the existing improvements at this intersection resulted from safety concerns due to its close proximity to

the very active Ferguson Drive/Central Expressway intersection. To get out of the Whisman Station neighborhood, a vehicle can only take a right turn onto Ferguson Drive (toward Central Expressway). To get into the Whisman Station neighborhood from Ferguson Drive, a vehicle can only make a right turn onto Whisman Station Drive going south on Ferguson Drive. Vehicles traveling from Central Expressway cannot make a left turn onto Whisman Station Drive. These restricted movements were put in place by the City due to: (1) the short distance this intersection is from Central Expressway; (2) the high speeds of vehicles on Ferguson Drive when leaving Central Expressway; and (3) the existing narrow width of Ferguson Drive in this area and the limited opportunity for expansion of this width. Therefore, due to these safety concerns, the City has no plans at this time to increase turning movements at this intersection.

The Zoning Administrator then concurred with the DRC findings that the proposal is in compliance with the Whisman Station Precise Plan and recommended approval of the project as proposed (pending specific active recreation upgrade discussions between the applicant, the Whisman Station Homeowners Association and staff) to the City Council.

The applicant, the Whisman Station Homeowners Association and the City have since been in discussions regarding the required active recreation requirements, and staff has responded to this issue by adding Condition No. 7 (as discussed on Page 4 of this staff report; also, see Attachment 9 for the Whisman Station Homeowners Association's written statement regarding recreation amenities).

CONCLUSION

The proposed project is consistent with the goals and policies of the General Plan, the intent and development standards of the Whisman Station Precise Plan and the Subdivision Map Act. The proposed project is well designed and compatible with the density, massing and character of the surrounding Whisman Station neighborhoods, particularly the townhome neighborhood. The Initial Study/Environmental Assessment found no significant environmental impacts, yet additional mitigation is included (such as the vapor barriers) to provide added assurance of protection for future residents. Staff recommends that the City Council conditionally approve the Planned Community Permit, Heritage Tee Removal Permit and tentative map with the attached resolutions and conditions of approval.

ALTERNATIVES

Alternatives to the recommendation to approve the project include:

1. Return the project to the Development Review Committee for additional design review.

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2. Deny the Planned Community Permit, Heritage Tree Removal Permit and tentative map, finding that the project is not consistent with the objectives of the Whisman Station Precise Plan.

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PUBLIC NOTICING

Notice of this public hearing was accomplished by an agenda posting and mail to all property owners within 300' of the subject property.

Prepared by:

Approved by:

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Associate Planner

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Planning Manager (Acting)

Elaine Costello
Community Development Director

NH/5/CAM
809-04-13-04M-E^

Kevin C. Duggan
City Manager

Attachments:

1. Location Map
2. Site Plan and Floor Plans
3. Elevations
4. Photos of Existing Townhomes
5. Heritage Tree Removal Plan
6. Resolution for Planned Community Permit and Heritage Tree Removal Permit with Attached Recommended Conditions of Approval
7. Resolution for Tentative Map with Attached Recommended Conditions of Approval and Tentative Map
8. Initial Study/Environmental Assessment and Mitigated Negative Declaration (Attachments Upon Request)
9. Whisman Station Homeowners Association Communication to the City dated March 2004

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Mr. Michael Jones
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CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2004

A RESOLUTION CONDITIONALLY APPROVING A
PLANNED COMMUNITY PERMIT AND HERITAGE TREE REMOVAL PERMIT AT
100 FERGUSON DRIVE

WHEREAS, an application was received from Castle Group California, Inc. for a Planned Community Permit to construct a 46-unit residential townhome development (Application No. 211-02-PCZA); and

WHEREAS, the Zoning Administrator held a public hearing on March 10, 2004 on said application and recommended that the City Council conditionally approve the Planned Community Permit and Heritage Tree Removal Permit subject to the findings and conditions of approval contained in the Findings Report; and

WHEREAS, on April 13, 2004, the City Council held a public hearing on said application and received and considered all evidence presented at said hearing, including the Findings Report and staff report from the Zoning Administrator; and

WHEREAS, staff has determined that this project will not have a significant impact on the environment as described in the Mitigated Negative Declaration and Initial Study;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines that this project will not have a significant impact on the environment and hereby grants the Mitigated Negative Declaration, which is incorporated by reference herein.

BE IT FURTHER RESOLVED by the City Council that said application is consistent with the General Plan and the Whisman Station Precise Plan District.

BE IT FURTHER RESOLVED by the City Council that the Planned Community Permit and Heritage Tree Removal Permit for said project is hereby granted subject to the developer's fulfillment of each and all of the conditions which are attached hereto and incorporated herein by reference.

TIME FOR JUDICIAL REVIEW:

The time within which judicial review of this decision must be sought is governed by California Code of Procedure, Section 1094.6, as established by Resolution No. 13850, adopted by the City Council on August 9, 1983.

NH/9/RESO
809-02-23-04R^

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2004

A RESOLUTION CONDITIONALLY APPROVING A
TENTATIVE MAP TO SUBDIVIDE AN EXISTING 2.02-ACRE SITE AT
100 FERGUSON DRIVE

WHEREAS, an application was received from Castle Group California, Inc. for a tentative subdivision map to subdivide one parcel totaling 2.02 acres into 47 lots consisting of 46 residential lots with one lot owned in common for vehicular access, guest parking and common areas in the Whisman Station Precise Plan (P-35) District; and

WHEREAS, the Subdivision Committee considered the request at their meeting of February 26, 2004 and has recommended that the tentative map be approved subject to the attached conditions; and

WHEREAS, on April 13, 2004, the City Council held a public hearing on said applications and received and considered all evidence presented at said hearing, including an April 13, 2004 report from the Zoning Administrator;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that this Council finds and determines that this project will not have a significant effect on the environment and hereby approves the Mitigated Negative Declaration prepared by staff, attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that pursuant to the Subdivision Map Act, the City Council hereby finds that the proposed subdivision is consistent with the General Plan of the City and with the provisions of the Whisman Station Precise Plan.

BE IT FURTHER RESOLVED that the City Council hereby finds that the establishment, maintenance and operation of the uses applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals or general welfare of persons residing or working in the neighborhood of said proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

BE IT FURTHER RESOLVED that as finding of fact in support of its decision in this matter, the body incorporates, by reference, the Zoning Administrator's April 13,

2004 report and the approved minutes of this body's public hearing on March 10, 2004 and the comments made at such hearing when this matter was considered.

BE IT FURTHER RESOLVED that said application is hereby approved, and the tentative map for said project is hereby granted subject to the developer's fulfillment of each and all of the conditions which are attached hereto and are incorporated herein by reference.

TIME FOR JUDICIAL REVIEW

The time within which judicial review of this decision must be sought is governed by the California Code of Procedure, Section 1094.6, as established by Resolution No. 13850, adopted by the City Council on August 9, 1983.

NH/9/RESO
809-02-23-04R-1^